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Paper No. 18

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In re Application of

OFFICE OF PETITIONS

John Patrick Ainsworth et al. :
Application No. 09/240,048 :
Filed: January 29, 1999 :
Attorney Docket No. 068585.00006 :
Title: METHOD OF AND APPARATUS FOR
DYNAMICALLY GENERATING A USER
PRESENTATION BASED ON DATABASE STORED
RULES

DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. §1.137(a), filed on September 21, 2001, which is properly treated as a petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment.

The petition under 37 C.F.R. §1.181(a) is **GRANTED**.

The above-identified application became abandoned for failure to submit a proper reply to the non-final Office Action, mailed December 19, 2000, which set a statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 20, 2001. A Notice of Abandonment was mailed on June 21, 2001.

Petitioner submits that the Office Action was never received. Petitioner has submitted a stamped postcard receipt which evinces that on September 5, 2000, a Revocation and New Power of Attorney were filed with the Office, revoking the power of attorney for the former attorney of record, and appointing power of attorney to the petitioner. A copy of this paper has been located in the file (paper no. 10). Petitioner contends that the Office Action was erroneously mailed to the previous attorney of record. The copy of the Office Action in the file supports this contention.

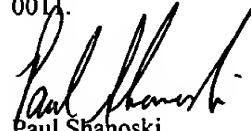
As such, it is decided that Office Action of December 19, 20001 was sent to the wrong address. In view thereof, the petition under 37 CFR §1.181(a) is **GRANTED**. The holding of abandonment is hereby **WITHDRAWN**.

No petition fee is required. If the petitioner wishes to have the \$620.00 petition fee refunded, he should submit a request for refund to the Office of Finance¹. A copy of this decision should accompany any such request.

The application is being forwarded to Technology Center 2100 for re-mailing of the non-final Office Action.

¹ The Refund Branch processes all customer requests for refunds. It generally takes four to six weeks for a request to be processed and a check generated. All requests for refund should be sent to: Commissioner of Patents and Trademarks, Box 17, Washington, DC 20231. Office hours are Monday - Friday from 8:30 AM to 5:00 PM. To check the status of a request that has been filed please contact the Refund Branch directly at 703-305-4229.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



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Office of the Deputy Commissioner
for Patent Examination Policy